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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,273	09/30/2003	Paul Carrette	22-0705	5044

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SIOUX FALLS, SD 57105

EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,273

Applicant(s)

CARRETTE, PAUL

Examiner

Lee Lum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-6 and 10-16 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. An Amendment was filed 11/2/04 in which Claim 2 was also cancelled, and Claims 21 and 22 added.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheuermann 5720312 in view of Aoshima 5152365.

Re Claims 7 and 8, Scheuermann discloses a mobile ice fishing shelter assembly comprising

Vehicle 10 with seat and drive assembly (both unidentified),

The seat supported by central portion (unidentified; seat portion towards engine compartment),

Shelter assembly 11 coupled to the vehicle, being adjustable between retracted (i.e., collapsible/portable) and deployed positions.

Although *inherent*, the reference does not specify a platform extending outwardly from the central portion for the user's feet. Aoshima shows this inherent feature 20 adjacent seat 19, including first and second sides, i.e., platform portions on both sides of the vehicle, as depicted in figs 1,2. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this element, as shown in Aoshima, as an inherent feature of this type of vehicle for accommodating the user's feet. The sides of the platform also form the body of the vehicle.

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Re Claim 9, neither reference discloses the platform as supporting a bucket*, but this feature would have been obvious. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this element, or one similar, to support various items for the use and convenience of the user.

* This item is broadly interpreted because no further description/limitation is provided in the claim.

B. **Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheuermann in view of Aoshima, and in further view of Brown 5732788.

Re Claims 7 and 8, as provided above, Scheuermann discloses a mobile ice** fishing shelter assembly comprising

Shelter assembly 11 mounted on the vehicle, being adjustable between retracted (i.e., collapsible/portable) and deployed positions,

Seat supported by central portion (unidentified; seat portion towards engine compartment).

Although *inherent*, the reference does not specify a platform extending outwardly from the central portion for the user's feet. Aoshima shows this inherent feature 20 adjacent seat 19, including first and second sides, i.e., platform portions on both sides of the vehicle. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this element, as shown in Aoshima, as an inherent feature of this type of vehicle for accommodating the user's feet, including the side portions that form sides of the body of the vehicle.

Neither reference discloses a pivotable seat, while Brown shows this type of seat 46. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Brown, to provide the user increased safety and comfort in positioning himself/herself for both driving and other purposes, including recreational.

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** This description is broadly interpreted because it is not further described or limited in the claims.

4. ALLOWABLE SUBJECT MATTER

- a. **Claims 1, 3-6 and 10-16 are allowable.** Prior art does not disclose a mobile ice fishing shelter assembly comprising a shelter assembly that is retractable/deployable, and pivotable seat.
- b. **Claim 20** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the mobile ice fishing shelter assembly as described above comprising a protective skirt extending from the seat toward the ground.
- c. **Claims 21 and 22** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the mobile ice fishing shelter assembly as described above comprising the seat as including a substantially vertical outer wall mounted on the platform, parallel to the central portion.

5. RESPONSE TO REMARKS

Upon reconsideration, Examiner has provided new rejections for several claims, employing Scheuermann in view of Aoshima and Brown. She apologizes for the inconvenience. Applicant is asked to note allowable subject matter.


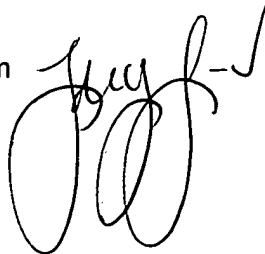
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6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-Th, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 272-6651. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
2/4/05



LESLEY D. MORRIS
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